

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2317 – SB 2217

February 12, 2018

SUMMARY OF ORIGINAL BILL: Repeals Section 1 of Public Chapter 293 of Public Acts 2017 that eliminated the authority of the Department of Environment and Conservation (TDEC) to adopt a more stringent definition of “concentrated animal feeding operation”, or CAFO, than the definition used by the Environmental Protection Agency (EPA).

Amends Public Chapter 293 to delete the definition of “concentrated animal feeding operation” found in Tenn. Code Ann. § 69-3-103. Defines “animal feeding operation”, or AFO, and “liquid waste management system” relative to operations in the state that require an operating permit from TDEC.

Requires a state operating permit for constructing, installing, or operating a liquid waste management system supporting an AFO that stables or confines as many as, or more than, the numbers of animals specified by federal law defining a medium or large CAFO. Such permits are only enforceable in regards to the submission and maintenance of a current approved nutrient management plan.

Requires a state operating permit for AFOs that are also required to have a permit under the Clean Water Act, 33 U.S.C. § 1251 et seq. Such operations must be conducted in accordance with the conditions of a valid National Pollutant Discharge Elimination System (NPDES) permit.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012916): Deletes language from the original bill to remove medium CAFOs from the proposed permit requirement.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.


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Assumptions for the bill as amended:

- Currently, TDEC issues permits to CAFOs under the Water Quality Control Act, compiled in Title 69, Chapter 3, Part 1. Tennessee Code Annotated § 69-3-103(6) authorizes TDEC to adopt a more stringent definition of CAFO than the EPA.
- Public Chapter 293 of the Public Acts of 2017 has an effective date of March 1, 2018. Should Public Chapter 293 become effective, TDEC's authority to adopt a more stringent definition than the EPA would be stripped. The proposed legislation amends Public Chapter 293.
- Under the proposed legislation, TDEC would permit AFOs that are also required to have a permit under the Clean Water Act as well as the construction, installation, or operation of a liquid waste management system supporting an AFO that stables or confines as many as, or more than, the numbers of animals specified by federal law defining a large CAFO. The operations of those AFOs must be conducted in accordance with the AFO's NPDES permit. The permits issued to liquid waste management systems are only enforceable in regards to the submission and maintenance of a current approved nutrient management plan.
- The proposed legislation would reduce the number of permits issued and managed by TDEC. TDEC does not charge a fee for issuing such permits.
- The proposed legislation will not significantly impact the revenue or expenditures of TDEC.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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